

FOR THE DISTRICT OF MASSACHUSETTS
UNITED STATES DISTRICT COURT

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL NO. 1456

CIVIL ACTION: 01-CV-12257-PBS

THIS DOCUMENT RELATES TO ALL
ACTIONS

Judge Patti B. Saris

**MOTION FOR ADMISSION OF WILLIAM ESCOBAR, ANTONIA F. GIULIANA,
CLIFFORD KATZ, NEIL MERKL, CHRISTOPHER C. PALERMO,
PHILIP D. ROBBEN AND LORIANNE K. TREWICK *PRO HAC VICE***

Pursuant to Rule 83.5.3 of the Local Rules of the United States District Court for the District of Massachusetts and pursuant to this Court's Case Management Order No. 1, ¶ 16, the undersigned counsel moves that William Escobar, Antonia F. Giuliana, Clifford Katz, Neil Merkl, Christopher C. Palermo, Philip D. Robben and Lorianne K. Trewick be permitted to appear and participate in this action *pro hac vice* as counsel for defendant Dey, Inc. The undersigned counsel states as follows:

1. Mr. Escobar, Ms. Giuliana, Mr. Katz, Mr. Merkl, Mr. Palermo, Mr. Robben and Ms. Trewick are attorneys with the law firm of Kelley Drye & Warren LLP, 101 Park Avenue, New York, New York 10178.

2. The accompanying declarations of counsel, attached hereto as Exhibits A - G, certify that these attorneys have met the requirements to practice before the United States District Court for the District of Massachusetts.


3. A check in the amount of \$350.00 is being forwarded simultaneously with this motion for these attorneys' respective admissions *pro hac vice*.

WHEREFORE, the undersigned counsel respectfully requests that this Court grant this motion to admit William Escobar, Antonia F. Giuliana, Clifford Katz, Neil Merkl, Christopher C. Palermo, Philip D. Robben and Lorianne K. Trewick *pro hac vice*.

Dated: November 28, 2005

Respectfully submitted,

KELLEY DRYE & WARREN LLP

By: 
Paul F. Doyle (BBO # 133460)

101 Park Avenue
New York, New York 10178
Telephone: (212) 808-7786
Facsimile: (212) 808-7897

Attorneys for Dey, Inc.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on November 28, 2005, a copy to LexisNexis File & Serve for posting and notification to all parties.


Philip D. Robben

EXHIBIT A: DECLARATION OF WILLIAM ESCOBAR

I, William Escobar, hereby certify as follows:

1. I am a Partner of the firm of Kelley Drye & Warren LLP, which is located at 101 Park Avenue, New York, New York 10178.

2. I have been admitted to practice before the following United States District Courts, United States Circuit Courts of Appeal, and state courts on the dates indicated for each:

	<u>DATE ADMITTED</u>
The State of New York	6/23/1982
United States District Court for the Southern District of New York	10/12/1982
United States District Court for the Eastern District of New York	10/21/1983
United States Court of Appeals for the Tenth Circuit	02/13/1990
United States Court of Appeals for the Second Circuit	07/26/1995
United States Court of Appeals for the District of Columbia Circuit	12/10/1996

3. I am an attorney in good standing and eligible to practice in the above-referenced jurisdictions.

4. I have not been suspended or disbarred in any jurisdiction, and no disciplinary actions are pending against me.

5. I am familiar with the Local Rules of the United States District Court for the District of Massachusetts and agree to abide by them.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct. Executed on November 23, 2005.

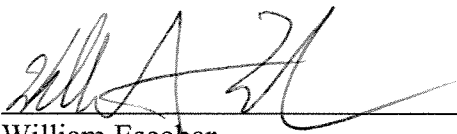
By: 
William Escobar

EXHIBIT B: DECLARATION OF ANTONIA F. GIULIANA

I, Antonia F. Giuliani, hereby certify as follows:

1. I am an associate of the firm of Kelley Drye & Warren LLP, which is located at 101 Park Avenue, New York, New York 10178.

2. I have been admitted to practice before the following United States District Courts and state courts on the dates indicated for each:

	<u>DATE ADMITTED</u>
The State of New Jersey	03/26/1999
The State of New York	06/22/1999
United States District Court for the Southern District of New York	07/03/2001
United States District Court for the Eastern District of New York	07/03/2001

3. I am an attorney in good standing and eligible to practice in the above-referenced jurisdictions.

4. I have not been suspended or disbarred in any jurisdiction, and no disciplinary actions are pending against me.

5. I have been on inactive status with the Bar of the State of New Jersey since 1999 because I have not taken the continuing legal education classes that are required to achieve active status.

6. I am familiar with the Local Rules of the United States District Court for the District of Massachusetts and agree to abide by them.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct. Executed on November 28, 2005.

By: 

Antonia Giuliani

EXHIBIT C: DECLARATION OF CLIFFORD KATZ

I, Clifford Katz, hereby certify as follows:

1. I am an associate of the firm of Kelley Drye & Warren LLP, which is located at 101 Park Avenue, New York, New York 10178.

2. I have been admitted to practice before the following United States District Courts and state courts on the dates indicated for each:

	<u>DATE ADMITTED</u>
The State of New Jersey	12/02/2002
United States District Court for the District of New Jersey	12/30/2002
The State of New York	05/08/2003
United States District Court for the Southern District of New York	07/15/2003
United States District Court for the Eastern District of New York	07/15/2003

3. I am an attorney in good standing and eligible to practice in the above-referenced jurisdictions.

4. I have not been suspended or disbarred in any jurisdiction, and no disciplinary actions are pending against me.

5. I am familiar with the Local Rules of the United States District Court for the District of Massachusetts and agree to abide by them.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct. Executed on November 22, 2005.

By:


Clifford Katz

EXHIBIT D: DECLARATION OF NEIL MERKL

I, Neil Merkl, hereby certify as follows:

1. I am a Partner of the firm of Kelley Drye & Warren LLP, which is located at 101 Park Avenue, New York, New York 10178.

2. I have been admitted to practice before the following United States District Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States, and state courts on the dates indicated for each:

	<u>DATE ADMITTED</u>
The State of New York	06/20/1984
United States District Court for the Southern District of New York	08/07/1984
United States District Court for the Eastern District of New York	08/07/1984
United States Court of Appeals for the Second Circuit	06/30/1993
United States District Court for the District of Columbia	03/07/1994
United States District Court for the Northern District of New York	04/25/1997
United States Supreme Court	04/29/1997
United States District Court for the Eastern District of Wisconsin	01/15/1998
United States District Court for the Western District of Wisconsin	02/25/1998
United States Court of Appeals for the Federal Circuit	05/19/1998
The Court of the District of Columbia	03/30/1999
United States Court of Appeals for the Third Circuit	05/09/2003

3. I am an attorney in good standing and eligible to practice in the above-referenced jurisdictions.

4. I have not been suspended or disbarred in any jurisdiction, and no disciplinary actions are pending against me.

5. I am familiar with the Local Rules of the United States District Court for the District of Massachusetts and agree to abide by them.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct. Executed on November 22 2005.

By: _____

Neil Merkl

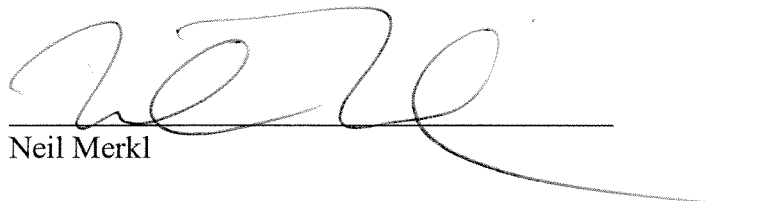
A handwritten signature in black ink, appearing to read 'Neil Merkl', is written over a horizontal line. The signature is stylized with large, flowing loops.

EXHIBIT E: DECLARATION OF CHRISTOPHER C. PALERMO

I, Christopher C. Palermo, hereby certify as follows:

1. I am a Partner of the firm of Kelley Drye & Warren LLP, which is located at 101 Park Avenue, New York, New York 10178.

2. I have been admitted to practice before the following United States District Courts and state courts on the dates indicated for each:

	<u>DATE ADMITTED</u>
The State of New York	05/02/1988
United States District Court for the Southern District of New York	02/28/1989
United States District Court for the Eastern District of New York	02/28/1989

3. I am an attorney in good standing and eligible to practice in the above-referenced jurisdictions.

4. I have not been suspended or disbarred in any jurisdiction, and no disciplinary actions are pending against me.

5. I am familiar with the Local Rules of the United States District Court for the District of Massachusetts and agree to abide by them.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct. Executed on November 17, 2005.

By: Christopher C. Palermo
Christopher C. Palermo

EXHIBIT F: DECLARATION OF PHILIP D. ROBBEN

I, Philip D. Robben, hereby certify as follows:

1. I am an associate of the firm of Kelley Drye & Warren LLP, which is located at 101 Park Avenue, New York, New York 10178.

2. I have been admitted to practice before the following United States District Courts, United States Circuit Courts of Appeal, and state courts on the dates indicated for each:

	<u>DATE ADMITTED</u>
The State of New Jersey	12/15/1998
United States District Court for the District of New Jersey	12/31/1998
The State of New York	03/03/1999
United States District Court for the Southern District of New York	02/08/2000
United States District Court for the Eastern District of New York	02/08/2000
United States Court of Appeals for the Federal Circuit	11/19/2001
United States Court of Appeals for the Second Circuit	01/06/2005
United States District Court for the Western District of New York	06/16/2005

3. I am an attorney in good standing and eligible to practice in the above-referenced jurisdictions.

4. I have not been suspended or disbarred in any jurisdiction, and no disciplinary actions are pending against me.

5. I am familiar with the Local Rules of the United States District Court for the District of Massachusetts and agree to abide by them.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct. Executed on November **22**, 2005.

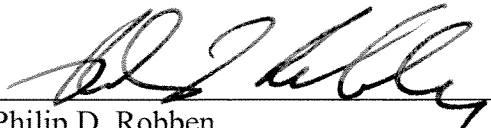
By: 
Philip D. Robben

EXHIBIT G: DECLARATION OF LORIANNE K. TREWICK

I, Lorianne K. Trewick, hereby certify as follows:

1. I am an associate of the firm of Kelley Drye & Warren LLP, which is located at 101 Park Avenue, New York, New York 10178.

2. I have been admitted to practice before the following United States District Courts and state courts on the dates indicated for each:

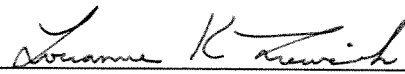
	<u>DATE ADMITTED</u>
The State of New Jersey	12/13/2001
The State of New York	10/23/2002
United States District Court for the Southern District of New York	05/04/2004
United States District Court for the Eastern District of New York	05/04/2004

3. I am an attorney in good standing and eligible to practice in the above-referenced jurisdictions.

4. I have not been suspended or disbarred in any jurisdiction, and no disciplinary actions are pending against me.

5. I am familiar with the Local Rules of the United States District Court for the District of Massachusetts and agree to abide by them.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct. Executed on November 22, 2005.

By: 
Lorianne K. Trewick